REMARKS

The present application was filed November 21, 2001, and claims priority to PCT application Serial No. PCT/US00/15422, filed June 2, 2000, which claims priority to U.S. provisional application Serial No. 60/137,094, filed June 2, 1999. In a Preliminary Amendment filed concurrently with the present application, page 1 of the application was amended to make reference to the above-noted PCT application.

The claims have been amended herein to correct the inadvertent misnumbering of the claims as originally filed, in accordance with the request of the Examiner. Claims 1-32 are pending, with claims 1, 13, 16, 17, 20 and 21 being the independent claims.

In this response, Applicants traverse the §102(b) and §103(a) rejections, and amend independent claims 1, 16, 17 and 21. Applicants respectfully request reconsideration of the present application in view of the above amendment and the following remarks.

Applicants initially note with regard to the §103(a) rejection of claim 12 over U.S. Patent No. 5,806,072 (hereinafter "Kuba") in view of U.S. Patent Application Publication 2004/0201737 (hereinafter "Baron"), that Baron has a filing date of August 22, 2001. As noted above, the present application has an effective filing date of June 2, 1999. Accordingly, the Baron reference is not available as prior art against the present application, and the §103(a) rejection of claim 12 should be withdrawn.

Applicants further note with regard to the §103(a) rejection of claims 8, 11, 16 and 19 over Kuba in view of U.S. Patent No. 6,715,003 (hereinafter "Safai '003"), that Safai '003 has a filing date of February 14, 2000. Although Safai '003 is a continuation-in-part of a prior application filed May 18, 1998, the Examiner has not demonstrated that the particular portions of Safai '003 relied upon in formulating the rejection are in fact entitled to the May 18, 1998 priority date of the prior application. Accordingly, a proper *prima facie* case of obviousness over the proposed combination of Kuba and Safai '003 has not been made, and the §103(a) rejection of claims 8, 11, 16 and 19 should be withdrawn.

For similar reasons, the §103(a) rejections of claims 21-32, which also involve Safai '003, are believed to be improper, and should be withdrawn.

Notwithstanding the traversals relating to Safai '003, Applicants have amended claims 16 and 21 herein.

Claim 16 has been amended to specify that the image deletion mode is stored as one of a plurality of image utilization fields in a given one of a plurality of customized profiles, with particular ones of the customized profiles being selectable for use with one or more of the stored images. Also, the user interface is specified as selecting a particular one of the customized profiles, having the image deletion mode as one of the image utilization fields thereof, for at least one stored image. Support for the amendment can be found in the specification at, for example, page 7, line 14, to page 9, line 5.

Claim 21 has been amended to clarify that the claimed modification of a transferred image file in accordance with a set of image utilization fields occurs in the external device.

Claims 1-5, 17 and 18 stand rejected under §102(b) as being anticipated by Kuba. Applicants respectfully traverse.

The Manual of Patent Examining Procedure (MPEP), Eight Edition, August 2001, §2131, specifies that a given claim is anticipated "only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, MPEP §2131 indicates that the cited reference must show the "identical invention . . . in as complete detail as is contained in the . . . claim," citing Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully submit that the Examiner has failed to establish anticipation of claims 1-5, 17 and 18 by Kuba.

Independent claim 1 is directed to a digital camera for capturing digital images and organizing the captured images for subsequent transfer from the digital camera to an external device that utilizes the digital images. The digital camera includes means for providing a database having a plurality of customized profiles,

<u>wherein each customized profile contains a plurality of image utilization fields</u>, and means for selecting one of the customized profiles from the database. Also, the claim recites means for defining a plurality of profile indices respectively corresponding to ones of the plurality of customized profiles, and means for associating a profile index with at least one captured image to identify the corresponding selected customized profile.

Examples of the claimed customized profiles, each containing a plurality of image utilization fields, are shown in FIGS. 3A and 3B of the drawings. It can be seen that each of these example customized profiles includes multiple image utilization fields, such as a destination directory field, a filename preface field, and image editing application software field.

The Kuba reference fails to teach or suggest the above-noted limitations of claim 1. For example, Kuba fails to teach or suggest a plurality of customized profiles, each of which contains a plurality of image utilization fields, with selection of one of the profiles leading to association of a corresponding profile index with a particular captured image.

The Examiner in formulating the §102(b) rejection argues that the customized profiles of claim 1, each including a plurality of image utilization fields, are shown in FIG. 7 and column 14, lines 57-61, column 15, lines 14-18, and column 15, lines 36-41. However, Kuba describes FIG. 7 as showing the structure of a particular directory entry in a hierarchical directory file structure of a digital camera. These relied-upon portions of Kuba more specifically relate to the creation of the hierarchical directory file structure in a memory card 14 of the digital camera of FIG. 1. There is no ability in Kuba to select particular customized profiles each having a plurality of image utilization fields specifying a manner in which the images are to be utilized in an external device. Instead, the hierarchical directory file structure of Kuba is used to facilitate manipulation and access to captured images on the digital camera itself. See, for example, column 7, lines 47-55.

Accordingly, independent claim 1 and its associated dependent claims are believed to be allowable over Kuba.

Independent claim 17 also recites customized profiles, each having a plurality of image utilization fields, and is believed allowable for reasons similar to those identified above with regard to claim 1.

Notwithstanding the traversal of the §102(b) rejection, Applicants have amended independent claims 1 and 17 to clarify that the image utilization fields identify respective instructions for utilization of one or more digital images by the external device. As mentioned previously, examples of such fields include fields specifying a particular destination directory or filename preface to be used by the external device in storing a transferred image, or a particular type of application software to be used by the external device in processing a transferred image.

With regard to the §103(a) rejection of claims 9 and 20 over Kuba in view of U.S. Patent Application No. 2002/0191090 (hereinafter "Safai '090"), Applicants respectfully traverse. Applicants initially note that independent claim 20 recites customized profiles, wherein each customized profile contains a plurality of image utilization fields. Since Safai '090 fails to supplement the fundamental deficiencies of Kuba as described above with reference to the corresponding limitations of claim 1, the proposed combination fails to meet the limitations of claim 20. Moreover, claim 20 further recites a user interface for selecting a user designated code corresponding to a selected customized profile for permitting only authorized access to the selected customized profile. The Examiner argues that the disclosure in paragraph [0094] of Safai '090 meets this limitation. However, the paragraph in question relates to a secure key that is stored in a digital camera system in order to generate a "digital authentication stamp" for a digital image, so that the stamped digital image can be "uniquely ascribed to only that particular digital camera system." This is clearly not describing a user designated code which controls access to a selected customized profile as claimed. Accordingly, the §103(a) rejection over Kuba and Safai '090 is believed to be improper and should be withdrawn.

With regard to the §103(a) rejection of claims 13-15 over Kuba in view of U.S. Patent No. 6,496,222 (hereinafter "Roberts"), Applicants respectfully traverse. Independent claim 13 calls for a digital camera for capturing digital images and organizing the captured images for subsequent transfer from the digital camera to an

external device that utilizes the digital images. The digital camera includes, among other elements, means for storing a plurality of software application program identifiers which identify corresponding software application programs which are resident on the external device, a user interface for selecting one of the plurality of software application program identifiers to be associated with at least one captured image, and storage means for receiving and storing the at least one captured image and the associated software application program identifier.

Examples of the claimed software application program identifiers can be seen in the "RunApp" fields of the profiles of FIGS. 3A and 3B. These fields identify particular software application programs to be run on the external device for processing one or captured images.

The Examiner acknowledges that Kuba fails to meet the software application program identifier limitations of claim 13, but argues that such limitations are shown in Roberts. More specifically, the Examiner relies on data diskette 50 in FIG. 2A of Roberts, which stores an indication as to whether the camera is operating in a manner compliant with an IBM computer, an Apple computer, or some other type of device. However, such a selection does not identify a particular one of a plurality of software application programs resident on the external device. Instead, the selection simply identifies whether the external computer runs a particular type of operating system, such as IBM or Apple. The selection is made using a mode switch 17 on digital camera 2, as shown in FIG. 6. Those skilled in the art of computer science will recognize that selecting a camera operating mode based on the overall operating system of an external device, as described in Roberts, does not involve identification of a particular one of a plurality of available software application programs, resident on an external device, for use with one or more captured images, as claimed.
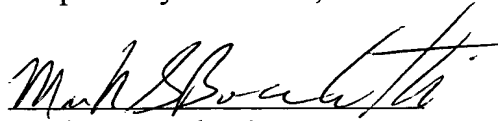
The §103(a) rejection over Kuba and Roberts is therefore believed to be improper, and should be withdrawn.

It is believed that the claims in the application are allowable over the prior art and such allowance is respectfully requested.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Eastman Kodak Company Deposit Account No. 05-0225. *A duplicate copy of this communication is enclosed.*

Respectfully submitted,

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Enclosures: Replacement Drawing Sheets (2)

Amendment to the Drawings:

The attached replacement drawing sheets include changes to FIGS. 1 2B. More specifically, FIG. 1 has been amended to include the reference numeral 36 referred to on page 5, line 4, of the specification, and FIG. 2B has been amended to include a lead line for reference numeral 250. These sheets replace the original sheets 1 and 2. Formal drawings are submitted herewith under separate Letter to the Draftsperson which incorporate the changes. Approval by the Examiner is respectfully requested.

Attachment: Replacement Drawing Sheets (2)